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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 ROGER M. ROCHA,
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13 Petitioner,

14 v.
15 J. JANDA, Warden,
16 Respondent.

17 Case No. EDCV 12-1243-GW (LAL)

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20 **ORDER ACCEPTING FINAL REPORT AND**
21 **RECOMMENDATION OF UNITED STATES**
22 **MAGISTRATE JUDGE AND DENYING**
23 **CERTIFICATE OF APPEALABILITY**

24 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
25 Final Report and Recommendation, and the remaining record, and has made a *de novo*
26 determination.

27 Accordingly, IT IS ORDERED THAT:

28 1. The Final Report and Recommendation is approved and accepted;
29 2. Judgment be entered denying the Petition and dismissing this action with
30 prejudice; and
31 3. The Clerk serve copies of this Order on the parties.

32 Additionally, for the reasons stated in the Final Report and Recommendation, the Court

1 finds that Petitioner has not made a substantial showing of the denial of a constitutional right.¹
2 Thus, the Court declines to issue a certificate of appealability.

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4 DATED: November 20, 2015
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HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE
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28 ¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).

